

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDRIC PENA, :
Petitioner, :
v. : Civil Action No. 04-51J
TRACY JOHNS, WARDEN, F.C.I. :
LORETTA, BUREAU OF PRISONS, and :
UNITED STATES MARSHALS SERVICE, :
Respondents :
:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

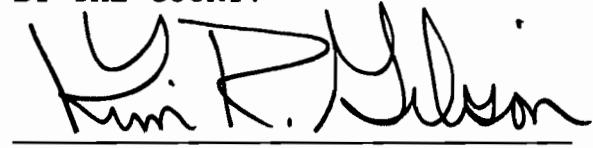
The Magistrate Judge filed a Report and Recommendation on June 20, 2006, docket no. 6, recommending that the petition be denied.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Petitioner filed a motion for extension of time to file objections, docket no. 10, which was denied. Petitioner then filed a motion for reconsideration of the motion for extension of time, docket no. 13, which is denied.

After de novo review of the record of this matter and the Report and Recommendation, the following order is entered:

AND NOW, this 24th day of July, 2006, it is
ORDERED that the petitioner's petition for a writ of
habeas corpus is denied, and petitioner shall report for service
of his sentence as directed by the Bureau of Prisons. The stay of
the duty to report is vacated. The Report and Recommendation is
adopted as the opinion of the Court. The Clerk shall mark this
matter closed.

BY THE COURT:



KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to:

Fredric R. Pena
3226 School Road
Murrysville, PA 15668

Christy C. Wiegand, Esquire
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Pittsburgh, PA 15219